

Testimony of
Marietta Jaeger Lane
On behalf of
Murder Victims' Families for Human Rights
&
Journey of Hope

SB 306

An Act Abolishing the Death Penalty and Replacing it with Life Imprisonment
without Possibility of Release

House Judiciary Committee Hearing

March 9, 2007

I am Marietta Jaeger Lane, formerly of Michigan, now living in Three Forks, Montana, for eight years.

While my family and I were camped at the Missouri River Headwaters Park here in Montana thirty-four years ago, my seven-year-old daughter, Susie, was kidnapped from our tent during the night. Fifteen months later, the FBI identified and arrested a local man responsible for my child's disappearance. Concrete evidence proved her life had been taken. Though the death penalty was applicable in this case, at my request the County Prosecutor offered the alternative sentence, in capital cases, of mandatory life imprisonment without parole. *Only then*, did the young man admit to the rape, strangulation death and dismemberment of my child as well as the deaths of a young woman and two young boys in the same area, but at different times. There was evidence that this man had caused more children's deaths around the state, but the County Prosecutors in *those* instances were insisting on the death penalty. The young man would *only* confess to the deaths that occurred in Gallatin County, *where he was being offered life imprisonment*. Clearly, **Montana's death penalty had no deterrent value in all those deaths, except to deter confession of guilt.**

I honestly and readily admit that, initially, I ran the gamut of outraged reaction. I wanted to kill the kidnapper with my bare hands. However, I am a Catholic-Christian who has learned to look to the non-violent and life-giving, final Word of God enfleshed in Scripture – Jesus – for God's idea of justice – healing and restoration. Also, my knowledge of psychological well-being asserted that hate was not healthy -- spiritually, emotionally or physically. Though I struggled with rage and revenge, I became convinced and committed to my best and most healing, freeing option of forgiveness.

Victim's families have every right to the normal, valid, human response of rage. However, to legislate that gut-level desire for blood-thirsty revenge has the same deleterious effect on the community as it does on individuals. In all the years since, that I've been working with murder victims' families, I consistently see that those who have realized their revenge in the form of execution find that *they are still left empty, unsatisfied and unhealed afterwards. They have been victimized again*, this time by the "system" they sought to give them "justice". Capital punishment does not bring healing and closure to the victim's family; instead *it desperately disappoints the families and it degrades, dehumanizes and debilitates us as a society*. The capacity for concern and compassion is what sets us apart from the rest of creation. Our laws should call us to higher moral principles than the practice of primitive acts of more killings to resolve our conflicts, hatreds, fears and frustrations. **We violate and demean our own honor and dignity by taking on the same mindset as the person who caused our grief, by killing a restrained, defenseless person, however deserving of death we deem that person to be.**

Concerning the claim of "justice for the victims' family", there is no number of retaliatory deaths which will compensate to me the inestimable value of my daughter's life, nor would they restore her to my arms. **In truth, to claim that the execution of any offender will be "just retribution" is to insult the immeasurable and irreplaceable worth of the victim. For the state to kill in retaliation for my daughter's death is to violate and profane the goodness, sweetness and beauty of her life.**

*The loved ones who have been wrenched from our lives by violent crime deserve more beautiful, noble and honorable memorials than pre-meditated, barbaric state-sanctioned killings, creating yet more victims and more grieving families. **If we are to call ourselves a moral, civilized society, we must insist that all life -- every person's life -- is sacred and must be preserved.** Our government policies and practices should predicate the same.*

If people are genuinely concerned for the victim family's plight, there should instead be a clamor for the legal and social measures which will provide the real support systems these families need in their time of anguish and loss – financial assistance, therapeutic counsel, trial information and resolutions, etc.

Please hear me: I am not advocating forgiveness for violent people and then release to the streets. I know better than most that there are people who should be separated from the community in a humanely-secured manner for the protection of all. **Montana already has an adequate provision for that protection in Capital cases – mandatory life imprisonment with no chance of parole – a full-life sentence which allows for the possibility of reflection, repentance, rehabilitation and restitution and which retains our dignity and status as a moral, civilized society.**

Montanans cannot let our personal fury and fears be exploited, making us reliant on a system which is far more expensive than lifetime-incarceration, is too often unjust or mistaken, does not heal grieving families and which exacerbates the problem. Every time we utilize state-sanctioned killing, we communicate to society that killing is an acceptable way to solve our problems. A glance at media headlines confirms what we are role-modeling and teaching our children. Thus the violence continues and we become that which we deplore – people who kill people – a horrendous insult to the memory of all our beloved victims.

The concern and goodness of the people of Montana are largely responsible for the fact that I am standing strong and healthy now. When my daughter was kidnapped from our tent, they came to the campground from all over the state and cared for my family in myriad ways for many weeks. I want to believe that these same compassionate, generous people of our great and beautiful state of Montana have the moral resources, the principled wisdom and the good-spirited will to say: **“Don't kill in our names and with our tax dollars! Let us honor our beloved victims with laws that are a healing and humane response to our most violent crimes!”**

Governor Schweitzer has done much to put Montana on the cutting edge of courageous, innovative practices and policies that positively benefit our society. It is my hope and prayer that he and this Legislature will also continue to lead the people toward a truly moral principle of “restorative justice” that promises protection, rehabilitation and healing, a policy which speaks far more highly of the caliber of Montanans than the barbaric and primitive practice of state-sanctioned killings. For this effort, I seek your help and support.

Thank you for your attention and, I trust, your leadership in abolishing Montana's death penalty law!

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Wife of Robert (Permanent Deacon in the Catholic Diocese of Helena), mother of five, stepmother of four, grandmother of nine; great-grandmother of two, member of Holy Family Catholic Church, Three Forks, Montana;

Author of *The Lost Child*, Zondervan Publishing Co. (currently out of print but available through Amazon.com while re-write in progress); writer or subject of many book chapters and articles for religious, health and social justice publications, including Archbishop Desmond Tutu's book, *No Future Without Forgiveness* and Washington, DC's Catholic University's *Journal on Restorative Justice*;

Founding member and speaker for *Murder Victims Families for Human Rights (MVFHR)*, a national support group which advocates for alternatives to the death penalty, and programs and government policies which protect victim families' civil rights, reduce violent crime and promote healing for victims' families as well as for offenders and their families;

Founding Board member of, and speaker for, *Journey Of Hope.. From Violence To Healing*, a national organization of murder victims' family members, including those of the executed, and supporters, who conduct speaking tours as invited around the country, advocating forgiveness, concern and compassion as a means to healing for victims' families, as well as abolition of the death penalty;

Interviewed twice on The Vatican Radio Station as well as on programs and in print in Ireland, Sweden, Canada, Denmark, Italy, France, Japan and South Korea, also on many U.S. and local religious TV programs. Subject of interviews and documentaries presented in national and international media, some programs of which are ABC's *20/20 Program*, *Good Morning, America* and *The FBI: Untold Stories*, and on A&E and Discovery TV Channels in the U.S., and England's and Europe's BBC, Channel Four and Discovery Channels.

Presenter to The United Nations Commission on Human Rights' re the issue of capital punishment during their April '99 meeting in Geneva, Switzerland;